IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.52938 of 2007
RAJESH KUMAR
Versus
STATE OF BIHAR
---

3 2.5.2008 Heard.

This is a case under Sections 393, 307,326 IPC and 27 of the Arms Act.

According to the prosecution case, the informant was going by the side of the railway line to his house along with his brother-in-law at 10.30 in the night when he was surrounded by miscreants, who attempted to rob them. On protest they fired and he sustained fire arm injuries.

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Learned counsel for the petitioner submitted that the petitioner is not named in the FIR and only on account of village politics he has been implicated in this case. So far as the identification of the petitioner is concerned, it is also doubtful because there was no source of identification and secondly if the witness Baski Nath Singh, who is said to be the brother-in-law of the informant had identified the petitioner he could have disclosed the name of the petitioner to the informant prior to the recording of the FIR.

Learned Addl. P.P. opposed the submission and contended that from the statement of the witnesses recorded in para 5 and 6 of the case diary, it would appear that they had identified the petitioner as one of the miscreants.

In view of nature of the allegation and the statement made

in para 5 and 6 of the case diary, I do not feel inclined to release the petitioner on bail. Prayer for bail is, therefore, rejected at this stage.

DKS/ **(Rekha Kumari,J)**

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